

JURISDICTION:

TENNESSEE

General Reference:

This chapter summarizes Tennessee State statutes related to speed. Tennessee Code Annotated and Rules and Regulations of the State of Tennessee (RRST)

Basis for a Speed Law Violation:

Basic Speed Rule:

Note: This State does not have a law establishing a basic speed rule.

Statutory Speed Limit:
See Other below.

70 MPH for on interstate highways §55-8-152(d)
65 MPH on all other highways or roads¹ §55-8-152(a) & (d)

Posted (Maximum) Speed Limit:

I. The State Department of Transportation is authorized to lower the above speed limits on the State system of roads and highways. §55-8-152(g)(1)(A)
II. Based on engineering and traffic investigations, the State Department of Transportation may lower the speed limits in business, urban or residential districts. §55-8-153(a)
III. Local governments may lower the maximum speed limits on roads and streets under their jurisdiction. §§55-8-152(g)(1)(C) & 55-8-153(d)
IV. The State Department of Transportation may establish a safe maximum speed limit for any bridge or elevated structure. §55-8-156(b)
V. Based on engineering investigations, a local government may establish special speed limits adjacent to schools. This limit cannot be <15 MPH.² §55-8-152(e)(1) & (2)
VI. The State Department of Transportation may establish special speed limits at school entrances and exits and from controlled access highways. §55-8-152(d)(1)(C)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §55-8-154(a)
II. On interstate and four-lane controlled-access highways, it is unlawful for a person to operate a motor vehicle in the left lane at a speed <55 MPH. §55-8-152(d)
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §55-8-115(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Department of Transportation or a local government may establish a minimum speed limit for a highway. §55-8-154(b)

Other:

I. No person shall operate a vehicle with solid rubber or cushion tires >10 MPH. §55-8-156(a)
II. When transporting pupils, no person shall operate a school bus either (1) > the posted speed limit or (2) >35 MPH on unpaved roadways. §49-6-2110(b)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Except as Noted Under Miscellaneous Sanctions, Speed Law Violations are Class C Misdemeanors. §§49-6-2113, 55-8-152(g)(2), 55-8-154, 55-8-156

¹Includes all four-lane controlled-access highways which are Federal and State routes. §55-8-152(d)

²Where such special speed limits do not exist, it is a *prima facie* evidence of reckless driving to operate a vehicle >15 MPH when passing a school during either (1) recess when warning flashers are in operation or (2) either 90 minutes before or after respectively the opening or closing of a school. §55-8-152(d)(1)(A) & (B)

TENNESSEE

& 55-10-301(a)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Not more than **30 days** §40-35-111(e)(3)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$50** §40-35-111(e)(3)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to attend a driver education course.³ §55-10-301(b)(1)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁴ §55-50-505 & RRST Ch. 1340-1-4

³This course may be imposed in addition to or in lieu of any other sanction. §55-10-301(b)(1)

⁴**Point System.** I. An offender, who for the first time accumulates 12 points within 12 month, is subject to either a 6 month license suspension or a driver improvement program. After the offender completes this program, they are placed on administrative probation for 12 months. Note: A 1st offender is a driver who has not had their license suspend and who has not been taken the driver improvement program within the previous 5 years. II. An offender, who for the second or subsequent time accumulates 12 points within 12 month, is subject to a 6 month license suspension. However, if the offender has completed driver improvement program within the previous 5 years, the suspension is for 12 months. Such persons may be required to attend a driver improvement program. However, participation in this program is not in lieu of license suspension. III. The following points have been assigned for speeding and speed related offenses: Speeding violations where the vehicles' speed was not noted on the citations-3 points; exceeding the speed limit 1 through 5 MPH-1 point; exceeding the speed limit 6 through 15 MPH-3 points; exceeding the speed limit 16 through 25 MPH-4 points; exceeding the speed limit 26 through 35 MPH-5 points;

exceeding the speed limit 36 through 45 MPH-6 points; exceeding the speed limit by 46 or more MPH-8 points; reckless driving-6 points; driving less the posted minimum speed limit-3 points; careless or negligent driving (Note: This is a municipal ordinance violation)-4 points; and, reckless endangerment by vehicle-8 points. IV. The following points have been assigned for speeding in a construction zone: Speeding violations where the vehicle's speed was not noted on the citations-3 points; exceeding the speed limit 1 through 5 MPH-2 points; exceeding the speed limit 6 through 15 MPH-6 points; exceeding the speed limit 16 through 35 MPH-7 points; and, exceeding the speed limit by 36 or more MPH-8 points. V. The following points have been assigned for speeding in a commercial vehicle: Speeding violations where the vehicle's speed was not noted on the citations-4 points; exceeding the speed limit 1 through 5 MPH-2 points; exceeding the speed limit 6 through 14 MPH-4 points; exceeding the speed limit 15 through 25 MPH-6 points; exceeding the speed limit 26 through 35 MPH-7 points; and, exceeding the speed limit by 36 or more MPH-8 points. VI. The following points have been assigned for speeding in a construction zone by a commercial vehicle: Speeding violations where the vehicle's speed was not noted on the citations-4 points; exceeding the speed limit 1 through 5 MPH-2 points; and, exceeding the speed limit 6 through 14 MPH-5 points. VII. For all other offenses, 3 points are assigned to a person's driving record. RRSST Ch. 1340-1-4-.03 & .04

TENNESSEE

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):

6 months (12 months for certain subsequent offenders)⁵ RRST Ch. 1340-1-4-.04(7)(c) and (8)(b) & (c)

Mandatory Minimum Term of
Withdrawal:

6 or 12 months⁵ Action is limited to certain subsequent offenders.⁶ RRST Ch. 1340-1-4-.04(8)(b) & (c)

Miscellaneous Sanctions
Not Included Elsewhere:

Construction Zones. A person, who violates a speed limit in a construction zone when workers are present, commits a Class B Misdemeanor. However, they are only subject to a fine sanction of **\$250 to \$500**. §§55-8-152(g)(2) & 55-8-153(e) Note: The minimum fine appears to be mandatory.

Other Criminal Actions Related to Speeding:

Drag Racing⁷:

Class B Misdemeanor §55-10-502

⁵**Point System Suspensions.** An offender is subject to a **6 month license suspension** under two conditions. (1) They have accumulated 12 points within 12 months for the first time and they do not participate in the driver improvement program. Or, (2) they have accumulated 12 points for the second time and have in lieu of a suspension, within the past 5 years, participated in such a program. A subsequent offender is subject to a **12 month license suspension** if they have, within the past 5 years, participated in and been subject to both a driver improvement program in lieu of a suspension and a license suspension under the point system. RRST Ch. 1340-1-4-.04

⁶Offenders, who have accumulated 12 points within 12 months for the first time and who are subject to a 6 month license suspension because they do not participate in a driver improvement program, are eligible for restricted driving privileges. RRST Ch. 1340-1-4-.04(7)(g) Also, under "extreme circumstances" such an offender may be placed on administrative probation in lieu of a suspension. RRST Ch. 1340-1-4-.04(7)(h)

⁷"Drag racing" is defined as the "use of any motor vehicle for the purpose of ascertaining the maximum speed obtainable by the vehicle; the use of any motor vehicle for the purpose of ascertaining the highest obtainable speed of the vehicle within a certain distance or within a certain time limit; the use of any one (1) or more motor vehicles for the purpose of comparing the relative speeds of such vehicle or vehicles, or for comparing the relative speeds of such vehicle or vehicles within a certain distance or within a certain time limit; the use of one (1) or more

Sanctions:
 Criminal Sanction:
 Imprisonment (Term): Not more than **6 months** §40-35-111(e)(2)
 Mandatory Minimum Term: **None**
 Fine (\$ Range): Not more than **\$500** §40-35-111(e)(2)
 Mandatory Minimum Fine: **None**

Other Criminal Actions Related to Speeding:
 (continued)

Drag Racing: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Revocation §55-10-503(a)(1) & (b)

1st offense-**1 year** §55-10-503(a)(1) 2nd offense (within 10 years)-
Permanent Revocation §55-10-503(b)

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-**None** Note: An offender is eligible for restricted driving privileges. §55-10-503(a)(2) 2nd offense (within 10 years)-**Permanent Revocation** §55-10-503(b)

Other:

An offender may be required to attend a driver education course.³ §55-10-301(b)(1)

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Class B Misdemeanor §55-10-205(a) & (b)

Not more than **6 months** §40-35-111(e)(2)

None

Not more than **\$500** §40-35-111(e)(2)

None

Administrative Licensing Actions:

Suspension via a Point System^{4&5} **Revocation**-2nd offense (within 12 months)-**Revocation** §55-50-501(a)(6)

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

2nd offense (within 12 months)-**Revocation** §55-50-501(a)(6)

2nd offense (within 12 months)-**1 year** §55-50-502(e)(3)

motor vehicles in an attempt to outgain, outdistance or arrive at a given destination simultaneous with or prior to that of any other motor vehicle; the use of any motor vehicle for the purpose of the accepting of, or the carrying out of any challenge, made orally, or in writing, or otherwise, made or received with reference to the performance abilities of one (1) or more motor vehicles." §55-10-501(1)

TENNESSEE

Withdrawal Action:

2nd offense (within 12 months)-**1 year**⁸ §55-50-502(e)(3)

Other:

An offender may be required to attend a driver education course.³ §55-10-301(b)(1)

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:
Commercial Motor Vehicle (CM) Operators:
(continued)

A person is disqualified from operating a CMV if while driving such a

⁸However, if this is the first time an offender's license has been revoked, they may apply for a new one after only 6 months. §55-50-502(e)(4)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §55-50-102(12)

TENNESSEE

Grounds for Disqualification: (continued)

vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §55-50-405(a)(5)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §55-50-405(a)(5)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §55-50-405(a)(5)

¹⁰A "serious traffic violation" includes excessive speeding as defined by the U.S. Secretary of Transportation (i.e., exceeding the speed limit by 15 or more MPH) or reckless driving. §55-50-102(44) & (45) and 49 CFR §383.5

TENNESSEE

SPEED LAWS V